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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,744	10/16/2005	Giampaolo Targetti	1014.1050	2942
41226 7590 07/10/2008				
POLLACK, P.C.				
THE CHRYSLER BUILDING				
132 EAST 43RD STREET, SUITE 760				
NEW YORK, NY 10017				
EXAMINER				
CHAPMAN, JEANETTE E				
ART UNIT		PAPER NUMBER		
3633				
MAIL DATE		DELIVERY MODE		
07/10/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,744

Applicant(s)

TARGETTI, GIAMPAOLO

Examiner

Jeanette E. Chapman

Art Unit

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 16 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/02)
Paper No(s)/Mail Date 10/16/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Creel (2005/007754) in view of Tarzian (2731749)

Claim 1

Creel discloses an illumination device which comprises:

a box-like body 2 with a back wall 6 and side walls 10/12/14 extending from the back wall, the side walls having reflective inner surfaces 26; a front wall 4 but no central opening connected to the back wall by the side walls, figures 3-4 wherein on an inner face of the back wall a decorative image 22 is reproduced and a light source 16 extends at an inner side of the front wall but not around a central opening and in proximity to the side walls having reflective inner surfaces but having a width substantially greater than the minimum necessary for housing the light source so as to enhance a sensation of depth conveyed by the image internally on a frame delimiting the opening, figures 3-4, the side walls have inner faces made of reflective material.

Tarzian discloses an illumination device which comprises:

a box-like body 10 with a back wall 20/32 and side walls 13/38 extending

from the back wall, the side walls lack reflective inner surfaces;
a front wall 18 having a central opening connected to the back wall by the side walls, figures 3-4 wherein on an inner face 20 of the back wall a decorative image 24 is reproduced and a light source 26 extends at an inner side of the front wall around the central opening and in proximity to the side walls, figures 3-4 but not having reflective inner surfaces and having a width substantially greater than the minimum necessary for housing the light source so as to enhance a sensation of depth conveyed by the image internally on a frame delimiting the opening, figures 3-4, the side walls lacks inner faces made of reflective material.

It would have been obvious to modify Creel to include the light source larger than the width of the box and the front wall having a central opening in or to present a three dimensional design while concealing the light source as shown by Tarzian

Claim 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Creel(2005/007754) in view of Tarzian (2731749) as applied to claim 1 and further in view of Grassi (4345395).

Claims 2-3

Creel lacks the light source is of fluorescent type and distributed along the length of the frame. Grassi discloses a picture box with a fluorescent light source distributed along the length of the frame. It would have been obvious to use a more natural light source to present a three dimensional depth to the picture as shown by Grassi.

Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Creel(2005/007754) in view of Tarzian (2731749) and further in view of Windisch et al (4128286).

Claims 4-8:

Creel lacks the decorative image reproduced on the back wall is a fraction of the size of a larger

image, which may be generated by combining a plurality of the devices in a modular configuration. Windisch et al discloses a portable display for the display of graphic. Any one in the display art would have appreciated using a multiplicity of panels to provide a single display design. See column 2, lines 23 -30 of Windisch et al. since the device of Windisch et al is portable, the same may be applied to a ceiling or a wall. Windish et al discloses a device or apparatus 16/18/20/30/ C capable of being embedded ceiling or wall connection. Applicnat has not positively claim the combination ceiling or wall and illumination display device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E. Jeanette whose telephone number is 571-272-6841. The examiner can normally be reached on Mon.-thursday, 8:30-6:00, every fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JEANETTE CHAPMAN/

Art Unit: 3633

PRIMARY EXAMINER
ART UNIT 3633